

JAMES D. BERKLEY (SBN 347919), [jdb@msk.com](mailto:jdb@msk.com)  
MITCHELL SILBERBERG & KNUPP LLP  
2049 Century Park East, 18th Floor  
Los Angeles, CA 90067-3120  
Telephone: (310) 312-2000  
Facsimile: (310) 312-3100

Attorney for Cognosphere Pte. Ltd.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re DMCA Subpoena to X Corp. dba Twitter

MISC. CASE NO. 3:23-mc-80294

**DECLARATION OF JAMES D.  
BERKLEY IN SUPPORT OF DMCA  
SUBPOENA TO X CORP. DBA  
TWITTER PURSUANT TO 17 U.S.C. §  
512(H)**

I, James D. Berkley, declare as follows:

1. I am an attorney at law, duly licensed to practice law in the State of California and before this Court. I am employed as Special Counsel at the law firm Mitchell Silberberg & Knupp, LLP (“MSK”). MSK is counsel for Cognosphere Pte. Ltd. (“Cognosphere”). Among other things, Cognosphere is the exclusive licensee in the United States and other territories of copyright in and to the popular video game *Genshin Impact*, including without limitation artwork, gameplay, and audiovisual content associated therewith. MSK is authorized to act on Cognosphere’s behalf in the protection of copyrights and/or exclusive rights possessed by Cognosphere pertaining to *Genshin Impact*.

2. Cognosphere is requesting the attached proposed subpoena that would order X Corp. d/b/a Twitter (“Twitter”) to disclose the identity, including the name(s), address(es),

1 telephone number(s), and e-mail addresses(es) of the user(s) employing the account names  
 2 **@HutaoLoverGI**, **@GIHutaoLover**, **@HutaoLover77**, and **@FurinaaLover** (collectively, the  
 3 “Twitter Accounts”), which Cognosphere has reason to believe are operated or have been operated  
 4 by the same individual and/or under common control. The Twitter Accounts are or were available  
 5 respectively at the Uniform Resource Locators (“URLs”) <https://twitter.com/HutaoLoverGI>;  
 6 <https://twitter.com/GIHutaoLover>; <https://twitter.com/HutaoLover77>; and  
 7 <https://twitter.com/FurinaaLover>. The purpose for which this subpoena is sought is to obtain the  
 8 identity of the user(s) operating the Twitter Accounts who have posted the infringing content  
 9 appearing thereon.

10 3. The information obtained will be used only for the purposes of protecting the rights  
 11 granted to Cognosphere under the Copyright Act.

12 4. Under 17 U.S.C. § 512(c)(3)(A), persons authorized to act on Cognosphere’s behalf  
 13 submitted takedown notices to Twitter identifying the infringing content posted on the Twitter  
 14 Accounts by the infringing user(s) and providing the information required by 17 U.S.C. §  
 15 512(c)(3)(A). True and accurate copies of the submitted notifications are attached hereto as  
 16 Exhibit 1.


17 I declare under penalty of perjury under the laws of the United States of America that the  
 18 foregoing is true and correct to the best of my knowledge, information and belief.

19 Executed in Los Angeles, California on November 6, 2023.

21 /s/ James D. Berkley  
 22 James D. Berkley

# **EXHIBIT 1**

Redacted



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**From:** RYM Legal [mailto:[infringement@removeyourmedia.com](mailto:infringement@removeyourmedia.com)]  
**Sent:** Sunday, November 5, 2023 6:55 PM  
**To:** 'copyright@twitter.com'  
**Subject:** Infringement Notice TWTZE-8377766-0

Remove Your Media® , LLC  
3308 Preston Rd Ste 350-157  
Plano, TX 75093-7453  
Ph: 866-541-5173  
E-mail: [infringement@removeyourmedia.com](mailto:infringement@removeyourmedia.com)  
11/5/2023 6:54:29 PM

re: <https://www.twitter.com> ( IP [104.244.42.65](https://www.whois.com/whois/104.244.42.65) )

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Cognosphere Pte. Ltd.  
One-North Crescent  
#06-01/02, Razer·Sea·HQ  
Singapore

The work in question is ©Copyright video game and related IP, Title:  
Genshin Impact


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<https://twitter.com/HutaoLoveGI/status/1720811833014247523>  
<https://twitter.com/HutaoLoveGI/status/1721080448787665174>

Truthfully,  
/S/: Eric Green

pub rsa2048 2014-04-12 [SC]  
089458D0C761834D2A33C4E7513DD8CCF8D64BDD  
uid Eric Green <infringement@removeyourmedia.com>  
sub rsa2048 2014-04-12 [E]

Redacted



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**From:** RYM Legal [mailto:[infringement@removeyourmedia.com](mailto:infringement@removeyourmedia.com)]  
**Sent:** Thursday, October 12, 2023 7:10 PM  
**To:** [copyright@twitter.com](mailto:copyright@twitter.com)  
**Subject:** Infringement Notice IJZNE-3403917-3

Remove Your Media® , LLC  
3308 Preston Rd Ste 350-157  
Plano, TX 75093-7453  
Ph: 866-541-5173  
E-mail: [infringement@removeyourmedia.com](mailto:infringement@removeyourmedia.com)  
10/12/2023 7:09:48 PM

re: <https://www.twitter.com> ( IP [104.244.42.1](https://www.whois.com/whois/104.244.42.1) )

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<https://twitter.com/GIHutaoLover/status/1710809138756981132>  
<https://twitter.com/GIHutaoLover/status/1710818232561762497>

Truthfully,  
/S/: Eric Green

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uid Eric Green <infringement@removeyourmedia.com>  
sub rsa2048 2014-04-12 [E]

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**From:** RYM Legal [mailto:[infringement@removeyourmedia.com](mailto:infringement@removeyourmedia.com)]  
**Sent:** Monday, August 14, 2023 11:19 AM  
**To:** [copyright@twitter.com](mailto:copyright@twitter.com)  
**Subject:** Infringement Notice SIFGE-6810134-9

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3308 Preston Rd Ste 350-157  
Plano, TX 75093-7453  
Ph: 866-541-5173  
E-mail: [infringement@removeyourmedia.com](mailto:infringement@removeyourmedia.com)  
8/14/2023 10:19:15 AM

re: <https://www.twitter.com> ( IP [104.244.42.1](https://www.whois.com/whois/104.244.42.1) )

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<https://twitter.com/HutaoLover77/status/1690913213179891713>  
<https://twitter.com/HutaoLover77/status/1690695353165852672>  
<https://twitter.com/HutaoLover77/status/1690396820026073088>  
<https://twitter.com/HutaoLover77/status/1690394650891395072>  
<https://twitter.com/HutaoLover77/status/1689716105223540737>  
<https://twitter.com/HutaoLover77/status/1689706747152449539>  
<https://twitter.com/HutaoLover77/status/1689706754614116354>  
<https://twitter.com/HutaoLover77/status/1689305259372662790>  
<https://twitter.com/HutaoLover77/status/1689263595601924097>  
<https://twitter.com/HutaoLover77/status/1689246015101263872>  
<https://twitter.com/HutaoLover77/status/1689238641292513283>  
<https://twitter.com/HutaoLover77/status/1689226556206694400>  
<https://twitter.com/HutaoLover77/status/1688904230013370368>  
<https://twitter.com/HutaoLover77/status/1688772515362144256>  
<https://twitter.com/HutaoLover77/status/1688669204315254784>  
<https://twitter.com/HutaoLover77/status/1688031571251789824>  
<https://twitter.com/HutaoLover77/status/1687756766434721793>  
<https://twitter.com/HutaoLover77/status/1687664804310503424>  
<https://twitter.com/HutaoLover77/status/1684918006177292288>  
<https://twitter.com/HutaoLover77/status/1684330176178720770>  
<https://twitter.com/HutaoLover77/status/1684026125792739328>  
<https://twitter.com/HutaoLover77/status/1684026143312330753>  
<https://twitter.com/HutaoLover77/status/1684026151369572352>  
<https://twitter.com/HutaoLover77/status/1683338158862131201>  
<https://twitter.com/HutaoLover77/status/1680955460508352514>  
<https://twitter.com/HutaoLover77/status/1680951697466863616>  
<https://twitter.com/HutaoLover77/status/1679842012315652096>  
<https://twitter.com/HutaoLover77/status/1678405622918774784>  
<https://twitter.com/HutaoLover77/status/1678773112152932352>  
<https://twitter.com/HutaoLover77/status/1678774527168499714>  
<https://twitter.com/HutaoLover77/status/1678059623465754633>  
<https://twitter.com/HutaoLover77/status/1677536188998234114>  
<https://twitter.com/HutaoLover77/status/1677285996617146368>  
<https://twitter.com/HutaoLover77/status/1677276994571206657>  
<https://twitter.com/HutaoLover77/status/1677263512677289987>

Truthfully,  
/S/: Eric Green

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uid Eric Green <infringement@removeyourmedia.com>  
sub rsa2048 2014-04-12 [E]

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**From:** RYM Legal [mailto:[infringement@removeyourmedia.com](mailto:infringement@removeyourmedia.com)]  
**Sent:** Monday, October 2, 2023 4:01 PM  
**To:** [copyright@twitter.com](mailto:copyright@twitter.com)  
**Subject:** Infringement Notice BFIIS-6306666-0

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3308 Preston Rd Ste 350-157  
Plano, TX 75093-7453  
Ph: 866-541-5173  
E-mail: [infringement@removeyourmedia.com](mailto:infringement@removeyourmedia.com)  
10/2/2023 3:01:04 PM

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<https://twitter.com/FurinaaLover/status/1707259550594977890>  
<https://twitter.com/FurinaaLover/status/1707256227078734297>

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sub rsa2048 2014-04-12 [E]